



Number 28 of 1997

CHEMICAL WEAPONS ACT, 1997

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement.
2. Interpretation.

PART II

CHEMICAL WEAPONS AND CHEMICALS FOR PERMITTED PURPOSES

3. Chemical weapons.
4. *First Schedule* toxic chemicals and precursors.

PART III

INSPECTION AND ENFORCEMENT

5. International inspectors.
6. Authorised officers.
7. Inspections.
8. Members of Garda Síochána to have powers of authorised officers in certain circumstances.

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time and in the prescribed form, to the National Authority, and

- (ii) keep and maintain the prescribed documents in the State, at the person's place of business or at such other place as may be designated by the National Authority, in the prescribed manner and for the prescribed period and, on request by the National Authority, provide the documents to the National Authority.

Disclosure of information.

10.—(1) The National Authority may send a notice to any person who it believes on reasonable grounds has information or documents relevant to the enforcement of this Act, requesting the person to provide the information or document to it.

(2) A person who receives a notice referred to in subsection (1) shall provide the requested information and documents to the National Authority in the form and within the time specified in the notice.

Privileged information and evidence.

11.—(1) Subject to this section, information and documents obtained pursuant to this Act or the Convention are privileged.

(2) Information and documents are not privileged to the extent that they are required to be disclosed or communicated for the purposes of an emergency involving public safety.

(3) No person in possession of privileged information or documents shall knowingly, without the written consent of the person from whom they were obtained, communicate them or allow them to be communicated to any person, or allow any person to have access to them, except—

(a) for the purposes of the enforcement of this Act or of giving effect to the Convention, or

(b) pursuant to an obligation of the State under the Convention.

(4) Notwithstanding any other Act or law, no person shall be required, in connection with any legal proceedings, to produce any statement or other record containing privileged information or documents, or to give evidence relating to them, unless the proceedings relate to the enforcement of this Act.

Regulations.

12.—(1) The Minister may make such regulations as he or she considers necessary or expedient for carrying out and giving effect to the provisions of this Act or the Convention and, without limiting the generality of the foregoing, may make regulations—

(a) designating an authority to be the National Authority for the purposes of this Act in place of the National Authority for Occupational Safety and Health,

(b) prescribing conditions under which activities referred to in section 4 may be carried on, providing for the issue, suspension and cancellation of licences governing the carrying on of any such activity, and prescribing the fees or the manner of calculating the fees to be paid in respect of any such licences,

(c) prescribing the procedures to be followed by authorised officers performing their functions or exercising their powers under this Act, and

(d) prescribing anything that by this Act is required or permitted to be prescribed.

(2) Regulations made under this section shall be laid before each House of the Oireachtas as soon as practicable after they are made and, if a resolution annulling a regulation is passed by either House within the next 21 days on which that House has sat after the regulations are laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under the regulation.

13.—(1) A person who contravenes or fails to comply with a provision of this Act shall be guilty of an offence and, where no other penalty is provided by this Act for the offence, shall be liable— Offences and penalties.

(a) on summary conviction, to a fine not exceeding £1,500, or to imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine not exceeding £100,000, or to imprisonment for a term not exceeding two years, or both.

(2) If an offence referred to in *subsection (1)* of which a person was convicted is continued after the conviction, the person shall be guilty of a further offence on every day on which the act or omission constituting the offence continues, and for each such further offence the person shall be liable on summary conviction to a fine not exceeding £200 or, on conviction on indictment, to a fine not exceeding £1,000.

(3) Where an offence under this Act is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been attributable to any neglect on the part of, any person who, when the offence was committed, was a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, that person (as well as the body corporate) shall be guilty of an offence and be liable to be proceeded against and punished as if guilty of the offence committed by the body corporate.

14.—(1) Where a person has been convicted of an offence under this Act, any chemical weapon or other thing seized by means of or in respect of which the offence was committed is forfeited to the State and shall be disposed of as the Minister may direct. Forfeiture.

(2) Where any chemical weapon or other thing has been seized under this Act and the owner of the chemical weapon or other thing, or the person in whose possession it was at the time of seizure, consents in writing to its forfeiture, it is forfeited to the State and shall be disposed of as the Minister may direct.

(3) An authorised officer may apply for an order ("forfeiture order") for the forfeiture of any chemical weapon or other thing to the State, whether or not a person has been convicted of or charged with an offence under this Act in relation to it and whether or not

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the owner or person who has the right to its possession is within the jurisdiction of the State or, after reasonable inquiry, can be found, on the grounds that the possession of the chemical weapon or other thing in the circumstances in which it was found is prohibited under this Act or the Convention.

(4) An application under *subsection (3)* shall be made to a judge of the District Court in whose district court district the chemical weapon or other thing is located.

(5) Any person aggrieved by a forfeiture order or by a decision of the District Court not to make such an order, may appeal to the Circuit Court in whose circuit district a forfeiture order has been made or refused, against that order or decision by the District Court.

(6) Where the District Court makes a forfeiture order, the order so made may contain such provisions as appear to the court to be appropriate for delaying the coming into force of the order (including provisions relating to the custody and safe storage of the chemical weapon or other thing) pending the making and determination of any appeal.

(7) Where a chemical weapon or other thing is forfeited under a forfeiture order under *subsection (3)*, it shall be destroyed, denatured, adapted for lawful use or otherwise dealt with in accordance with such directions, not in conflict with the Convention, as the Minister may give.

(8) A thing may be seized and forfeited under this section notwithstanding that it may be affixed to land, and an authorised officer may, with such reasonable force and assistance as is necessary to achieve that purpose, sever the thing from the land.

Prosecution of
summary offences.

15.—Proceedings in relation to a summary offence under this Act may be brought and prosecuted by the National Authority.

Expenses of
Minister.

16.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Sections 2(3)(c) and
4.

FIRST SCHEDULE

SCHEDULED TOXIC CHEMICALS AND PRECURSORS

A. TOXIC CHEMICALS:

- | | |
|---|-----------------------------|
| (1) 0-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl
(Me, Et, n-Pr or i-Pr) — phosphonofluoridates | (CAS
registry
number) |
| e.g. Sarin: O-Isopropyl methylphosphonofluoridate | (107-44-8) |
| Soman: O-Pinacolyl methylphosphonofluoridate | (96-64-0) |
| (2) 0-Alkyl ($\leq C_{10}$, incl. cycloalkyl)N, N-dialkyl
(Me, Et, n-Pr or i-Pr) — phosphoramidocyanidates | |
| e.g. Tabun: O-Ethyl N,N-dimethyl
phosphoramidocyanidate | (77-81-6) |

- (3) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl
(Me, Et, n-Pr or i-Pr) phosphonothiolates and
corresponding alkylated or protonated salts
e.g. VX: O-ethyl S-2-diisopropylaminoethyl
methyl phosphonothiolate (50782-69-9)
- (4) Sulfur mustards:
2-Chloroethylchlorome (2625-76-5)
Mustard gas: Bis(2-chloroethyl) sulfide (505-60-2)
Bis (2-chloroethylthio) methane (63869-13-6)
Sesquimustard: 1,2-Bis (2-chloroethylthio) ethane (3563-36-8)
1,3-Bis (2-chloroethylthio)-n-propane (63905-10-2)
1,4-Bis (2-chloroethylthio)-n-butane (142868-93-7)
1,5-Bis (2-chloroethylthio)-n-pentane (142868-94-8)
Bis (2-chloroethylthiomethyl) ether (63918-90-1)
O-Mustard: Bis (2-chloroethylthioethyl) ether (63918-89-8)
- (5) Lewisites:
Lewisite 1: 2-Chlorovinylchloroarsine (541-25-3)
Lewisite 2: Bis (2-chlorovinyl) chloroarsine (40334-69-8)
Lewisite 3: Tris (2-chlorovinyl) arsine (40334-70-1)
- (6) Nitrogen mustards:
HN 1: Bis (2-chloroethyl) ethylamine (538-07-8)
HN 2: Bis (2-chloroethyl) methylamine (51-75-2)
HN 3: Tris (2-chloroethyl) amine (555-77-1)
- (7) Saxitoxin (35523-89-8)
- (8) Ricin (9009-86-3)

B. PRECURSORS:

- (9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides
e.g. DF: Methylphosphonyldifluoride (676-99-3)
- (10) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2 dialkyl
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl
(Me, Et, n-Pr or i-Pr) phosphonites
and corresponding alkylated or protonated salts
e.g. QL: O-Ethyl O-2-diisopropylaminoethyl
methylphosphonite (57856-11-8)
- (11) Chlorosarin: O-Isopropyl methylphosphonochloridate (1445-76-7)
- (12) Chlorosoman: O-Pinacolyl methylphosphonochloridate (7040-57-5)

SECOND SCHEDULESections 2(3)(c) and
9(b).(CAS
registry
number)**A. TOXIC CHEMICALS:**

- (1) Amiton: O,O-Diethyl S-[2-(diethylamino) ethyl]
phosphorothiolate
and corresponding alkylated or protonated salts (78-53-5)

SCH.2

- (2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8)
- (3) BZ: 3-Quinuclidinyl benzilate (6581-06-2)

B. PRECURSORS:

- (4) Chemicals, except for those listed in the *First Schedule*, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
 e.g. Methylphosphonyl dichloride (676-97-1)
 Dimethyl methylphosphonate (756-79-6)
 Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate (944-22-9)
- (5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
- (6) Dialkyl (Me, Et, n-Pr or i-Pr) N, N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates
- (7) Arsenic trichloride (7784-34-1)
- (8) 2,2-diphenyl-2-hydroxyacetic acid (76-93-7)
- (9) Quinuclidine-3-ol (1619-34-7)
- (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts
- (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
 Exemptions: N,N-dimethylaminoethanol and corresponding protonated salts (108-01-0)
 N,N-Diethylaminoethanol and corresponding protonated salts (100-37-8)
- (12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts
- (13) Thiodiglycol: Bis (2-hydroxyethyl) sulfide (111-48-8)
- (14) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol (464-07-3)

Sections 2(3)(c) and 9(c).

THIRD SCHEDULE

(CAS
 registry
 number)

A. TOXIC CHEMICALS:

- (1) Phosgene: Carbonyl dichloride (75-44-5)
- (2) Cyanogen chloride (506-77-4)
- (3) Hydrogen cyanide (74-90-8)
- (4) Chloropicrin: Trichloronitromethane (76-06-2)

SCH.2

- (2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8)
- (3) BZ: 3-Quinuclidinyl benzilate (6581-06-2)

B. PRECURSORS:

- (4) Chemicals, except for those listed in the *First Schedule*, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
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B. PRECURSORS:

(5) Phosphorus oxychloride	(10025-87-3)
(6) Phosphorus trichloride	(7719-12-2)
(7) Phosphorus pentachloride	(10026-13-8)
(8) Trimethyl phosphite	(121-45-9)
(9) Triethyl phosphite	(122-52-1)
(10) Dimethyl phosphite	(868-85-9)
(11) Diethyl phosphite	(762-04-9)
(12) Sulfur monochloride	(10025-67-9)
(13) Sulfur dichloride	(10545-99-0)
(14) Thionyl chloride	(7719-09-7)
(15) Ethyldiethanolamine	(139-87-7)
(16) Methyldiethanolamine	(105-59-9)
(17) Triethanolamine	(102-71-6)

Notes

1. These Schedules set out the Schedules of Chemicals in the annex on chemicals to the Convention as corrected.

2. In these Schedules the reference to the CAS is to the chemical abstract service registry.

3. These Schedules must be read subject to the following proposition, which is based on a note in the Convention: where reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses must be taken to be listed in the Schedules.

BAILE ÁTHA CLIATH
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TEACH SUN ALLIANCE, SRAID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2.
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